

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6769

Petition of Vermont Gas Systems, Inc.)
for approval of a fuel gross receipts tax)
rebate under 33 V.S.A. Section 2503(e))

Order entered: 11/14/2002

I. INTRODUCTION & PROCEDURAL HISTORY

On August 9, 2002, Vermont Gas Systems, Inc. ("VGS") filed a petition ("Petition") with the Public Service Board ("Board") requesting approval for a rebate of \$44,546.00 from the Weatherization Trust Fund pursuant to 33 V.S.A. § 2503. On September 13, 2002, a stipulation ("Stipulation") signed by the Vermont Department of Public Service ("DPS"), the Vermont State Office of Economic Opportunity ("SOEO"), and VGS was filed with the Board. The parties to the Stipulation agree that the Board should approve a rebate to VGS for expenditures in the amount of \$44,546.00. In addition, the parties waive their rights to a hearing and to comment on the Proposal for Decision pursuant to 3 V.S.A. § 811.

For the reasons discussed below, I recommend that the Board accept the parties' Stipulation and approve a rebate of \$44,546.00 from the Weatherization Trust Fund to VGS.

I present the following Findings of Fact to the Board in accordance with 30 V.S.A. § 8.

II. FINDINGS OF FACT

1. On August 9, 2002, VGS filed a petition with the Board for approval of a fuel gross receipts tax rebate of \$44,546.00 pursuant to 33 V.S.A. § 2503(e). Petition at 1.

2. On September 13, 2002, a Stipulation among the DPS, SOEO, and VGS was filed with the Board. The parties to the Stipulation agree that the Board may approve a rebate to VGS for expenditures in the amount of \$44,546.00. Stipulation at 1.

3. VGS's rebate request is to recover expenditures paid during the 2002 fiscal year (ending June 30, 2002). Petition at 1.

4. VGS's rebate request is for expenditures made pursuant to a negotiated "piggyback"

agreement with SOEO, under which energy efficiency services were provided by VGS through Champlain Valley Weatherization Services. Petition at 1.

5. The energy efficiency services were provided to 66 households at or below the 150 percent Federal poverty standard, as part of basic weatherization services following a comprehensive energy audit and workplan. Stipulation at 1; Petition at 2.

6. VGS agrees to work with SOEO to improve the penetration of services to low-income households and to ensure that those services are as comprehensive as possible. Stipulation at 1.

7. VGS expended an additional amount for incentives for projects under the Residential Energy Efficiency Program. VGS will not seek a refund from the Weatherization Trust Fund for these expenses. Stipulation at 1; Petition at 1-2.

8. VGS's expenditures of \$44,546.00 satisfy the statutory prerequisites for a fuel gross receipts tax rebate. Stipulation at 1-2.

III. DISCUSSION AND CONCLUSIONS

The parties all agree that \$44,546.00 is the appropriate amount for a rebate from the Weatherization Trust Fund for VGS's 2002 fiscal year expenditures. I recommend that the Board approve this settlement for the following reasons.

First, the petition and Stipulation provide a description of the specific projects and measures installed that form the basis of VGS's request. Low-income status was verified and measures were installed after comprehensive energy audits. These details provide significant assurance that statutory requirements have been met.

Second, the agreement was reached through negotiations with adverse parties. The DPS represents the interests of ratepayers and the State of Vermont; it is, therefore, unlikely that the DPS would request that VGS receive a larger rebate than it deserves. SOEO, and the community action agencies that contract with SOEO, are the direct beneficiaries of the Weatherization Trust Fund. It is unlikely that SOEO would request that VGS receive a larger rebate than it deserves.

Thus, I conclude that VGS has expended at least \$44,546.00 for the provision of energy efficiency services to low-income residents that "meet the goals of the weatherization program." 33 V.S.A. § 2503(e). I recommend that the Board accept the parties' Stipulation and approve a rebate from the Weatherization Trust Fund for VGS of \$44,546.00.

DATED at Montpelier, Vermont, this 12th day of November, 2002.

s/Gregg C. Faber
Gregg C. Faber
Hearing Officer

VI. ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Service Board of the State of Vermont that:

1. The Hearing Officer's findings, conclusions, and recommendations are adopted.
2. We accept the parties' Stipulation and approve VGS's request for a fuel gross receipts tax rebate from the Weatherization Trust Fund for fiscal year 2002 expenditures in the amount of \$44,546.00.

DATED at Montpelier, Vermont, this 14th day of November, 2002.

<u>s/Michael H. Dworkin</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: November 14, 2002

ATTEST: s/Susan M. Hudson
Clerk of the Board

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.